

**ORIGINAL**



LAWRENCE V. ROBERTSON, JR.  
ATTORNEY AT LAW

P. O. BOX 1448  
TUBAC, ARIZONA 85646

(520) 398-0411  
FAX: (520) 398-0412  
EMAIL: TUBACLAWYER@AOL.COM

OF COUNSEL TO  
MUNGER CHADWICK, P.L.C.

ADMITTED TO PRACTICE IN:  
ARIZONA, COLORADO, MONTANA,  
NEVADA, TEXAS, WYOMING,  
DISTRICT OF COLOMBIA

July 8, 2010

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

RECEIVED  
2010 JUL 14 P 12:31  
AZ CORP COMMISSION  
DOCKET CONTROL

Re: Docket No. E-00000A-02-0051 / E - 00000A-01-0630  
and  
Docket No. E-~~03964A-06-0168~~

To Whom It May Concern:

Enclosed for filing in the above-referenced docketed proceedings are the original and thirteen (13) copies of a letter to Docket Control which is intended to be responsive to a request of Sempra Energy Solutions LLC made by Assistant Director Elijah Abinah during the Commission Staff's July 7, 2010 meeting for participants in Docket No. E-00000A-02-0051.

Also enclosed are two (2) additional copies of the enclosed letter. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope.

Thank you for your assistance. Please advise Mr. Robertson or me if you have any questions.

Sincerely,  
*Angela R. Trujillo*  
Angela R. Trujillo  
Secretary  
Lawrence V. Robertson, Jr.

Arizona Corporation Commission  
**DOCKETED**  
JUL 14 2010

DOCKETED BY *[Signature]*

**LAWRENCE V. ROBERTSON, JR.**  
**ATTORNEY AT LAW**

**P. O. BOX 1448**  
**TUBAC, ARIZONA 85646**

**(520) 398-0411**  
**FAX: (520) 398-0412**  
**EMAIL: TUBACLAWYER@AOL.COM**

**OF COUNSEL TO**  
**MUNGER CHADWICK, P.L.C.**

**ADMITTED TO PRACTICE IN:**  
**ARIZONA, COLORADO, MONTANA,**  
**NEVADA, TEXAS, WYOMING,**  
**DISTRICT OF COLOMBIA**

July 8, 2010

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

**RECEIVED**  
2010 JUL 14 P 12: 32  
ARIZONA CORPORATION  
DOCKET CONTROL

Re: Docket No. E-00000A-02-0051  
and  
Docket No. E-03964A-06-0168

To Whom It May Concern:

**INTRODUCTION:**

Pursuant to a request made by Assistant Director Elijah Abinah during the Commission Staff's July 7, 2010 meeting for participants in Docket No. E-00000A-02-0051, Sempra Energy Solutions LLC ("SES") formally submits the procedural suggestion it orally described at the aforesaid July 7, 2010 meeting. In that regard, SES is recommending that its procedural suggestion be included as a recommendation to the Commission in the forthcoming report which is to be filed by the Commission's Staff in Docket No. E-00000A-02-0051. That report is due to be filed no later than thirty (30) days following the effective date of the Commission's decision in Docket No. E-2069A-09-0346; and, in making the procedural suggestion described below, SES is not proposing nor requesting that the due date for filing the aforesaid Commission Staff report be further extended.

**DISCUSSION**

The questions which the Commission has directed the Commission's Staff to address in the forthcoming report have been the subject of extensive written comment and oral discussion by the participants in Docket No. E-00000A-02-0051. The Merriam-Webster Dictionary defines the word "vexed" as

“ . . . fully debated or discussed. . . ”;

and, it may readily be said that the questions posed by the Commission have been “vexed” by interested stakeholders.

SES believes it would be appropriate and productive for that discussion to now proceed to the context of an actual request by an entity for authorization by the Commission to provide competitive retail electric service pursuant to a certificate of convenience and necessity (“CC&N”). The CC&N Application of SES which is currently pending in Docket No. E-03964A-06-0168 would provide such a context, and a tangible means by which the Commission could consider and resolve the underlying question of whether to resume retail electric competition at this time.

As previously discussed at various procedural stages in Docket No. E-03964A-06-0168, and as indicated by SES during the July 7, 2010 Commission Staff meeting in Docket No. E-00000A-02-0051, SES’ CC&N Application has been structured so as to not be dependent upon the legal status of the Commission’s Retail Electric Competition Rules, as set forth at A.A.C. R14-2-1601 et seq. In that regard, SES has suggested that the pertinent substantive features of those rules could be incorporated as compliance conditions in a Commission decision granting SES a CC&N to provide competitive retail electric service, with the CC&N itself being issued pursuant to the Commission’s authority under A.R.S. § 40-281. Further, both SES’ CC&N Application and the prepared testimony and exhibits filed by SES to date in Docket No. E-03964A-06-0168 have been designed to provide the Commission with that information necessary to enable it to fully discharge its constitutional obligations as to “fair value” and “just and reasonable” rate determinations, as discussed in the Phelps Dodge case. Accordingly, and as noted above, SES believes that its currently pending CC&N Application represents an excellent procedural vehicle for the aforesaid purpose.

However, because of the passage of time since SES’ CC&N Application was originally filed, and because of the interim activities in Docket No. E-00000A-02-0051, SES believes that it would be appropriate for the Commission to issue a further Procedural Order in Docket No. E-03964A-06-0168 providing for (i) an additional publication of public notice of SES’ CC&N Application, (ii) a new deadline for the filing of requests for intervention, (iii) a series of dates for the filing of such additional testimony and exhibits by SES, the Commission’s Staff and interveners as those parties might desire, and (iv) such further procedural event dates as may be appropriate preliminary to an evidentiary hearing on the merits of SES’ CC&N Application. In so doing, the Commission would provide a procedural means within a tangible context for considering and resolving the underlying question of whether to resume retail electric competition at this time.

### CONCLUSION

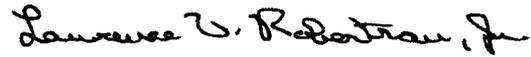
As previously indicated, in making the above-described procedural suggestion, SES is not proposing or requesting that the deadline for filing of the Commission Staff’s report in

July 8, 2010

Page 3 of 3

Docket No. E-00000A-02-0051 be further extended. Rather, SES is proposing that the above-described procedural suggestion be included as a recommendation to the Commission in the forthcoming Commission Staff report.

Respectfully submitted,



Lawrence V. Robertson, Jr.

Attorney for Sempra Energy Solutions LLC

cc: All participants in Docket No. E-00000A-02-0051  
All parties in Docket No. E-03964A-06-0168  
All Commissioners